

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

|          |   |      |                |
|----------|---|------|----------------|
| Case No. | CV 14-08052-DSF (AS)<br>CV 15-08680-DSF (AS)        | Date | March 14, 2017 |
| Title    | Scott Joseph Wallace v. Celco Partnership, et. al., |      |                |

|                        |  |  |                                 |
|------------------------|--|--|---------------------------------|
| Present: The Honorable | Alka Sagar, United States Magistrate Judge |  |                                 |
|                        | Alma Felix                                 |  | N/A                             |
|                        | Deputy Clerk                               |  | Court Reporter / Recorder       |
|                        | <b>Attorneys for Plaintiff:</b>            |  | <b>Attorneys for Defendant:</b> |
|                        | N/A  |  | N/A                             |

**Proceedings: (IN CHAMBERS) Order to Show Cause Re: Lack of Prosecution**

On October 17, 2014, pro se Plaintiff Scott Joseph Wallace (“Plaintiff”) filed a complaint in case number 14-8052-DSF (AS) raising inter alia claims under 42 U.S.C. § 1983. (Wallace I) (Docket No. 1). On February 9, 2015, the Court granted-in-part Defendant AT&T’s motion to dismiss the complaint, official capacity claims, and claims under 18 U.S.C. I 241 and 3121 without leave to amend, and dismissed remaining claims with leave to amend. (Docket No. 16). On May 8, 2015, the Court dismissed Plaintiff’s First Amended Complaint with leave to amend. (Docket No. 26). Plaintiff filed a Second Amended Complaint in Wallace I on June 8, 2015. (Docket No. 28).

On May 18, 2015, Plaintiff filed a First Amended Complaint in Los Angeles Superior Court which was subsequently removed to this Court assigned Case No. CV 15-08680-DSF (AS) on November 6, 2015. (Wallace II). On March 21, 2016, Plaintiff filed a Second Amended Complaint in Wallace II. See Docket No.

On July 25, 2016, the Court consolidated Wallace I with Wallace II. (Docket No. 55). “All future documents related to either case should be filed only in Wallace I (CV 14-8052 DSF (AS)), but the caption of any filed document should reflect the case numbers for both Wallace I (CV 14-8052 DSF (AS)) and Wallace II (CV 15-8680 DSF (AS)).” Id. at 2.

On September 9, 2016, the Court granted Defendants’ motion to dismiss Plaintiff’s

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Second Amended Complaint in Wallace I and ordered Plaintiff to file an amended “consolidated” complaint as to both Wallace I and Wallace II no later than thirty days from the date of the Order. (Docket No. 58). On October 12, 2016, the Court granted Plaintiff’s request for an extension of time to file “his First Amended Complaint” pursuant to the Court’s September 9, 2016 Order. (Docket Nos. 59-60). On December 12, 2016, the Court granted Plaintiff’s second motion for additional time to file a consolidated complaint no later than February 7, 2017. (Docket Nos. 62-63). Plaintiff was warned that, absent extraordinary circumstances, no further extensions would be granted. (Docket No. 63).

To date, Plaintiff has failed to file a Consolidated Complaint or otherwise communicate with the Court regarding his intention to do so. Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE**, in writing, no later than **April 4, 2017**, why this action should not be dismissed with prejudice for failure to prosecute. This Order will be discharged upon the filing of a Consolidated Complaint in accordance with the Court’s September 9, 2016 Order or upon the filing of a declaration under penalty of perjury stating why Plaintiff is unable to file a Consolidated Complaint. A copy of the Court’s September 9, 2016 Order is attached for Plaintiff’s convenience.

**If Plaintiff no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a). A notice of dismissal form is attached for Plaintiff’s convenience. Plaintiff is warned that a failure to timely respond to this Order will result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.**

cc: Dale S. Fischer  
United States District Judge

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